

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GREGG PROCTOR #120367,)
)
)
Plaintiff,)
)
) **No. 3:13-cv-0309**
v.)
)
SHERIFF JEFF BLEDSOE, et al.,) **Judge Sharp**
)
) **Magistrate Judge Brown**
)
Defendants.)

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, concluding,

[A]s an initial matter [], apart from identifying SHP and Sheriff Bledsoe as defendants in the style of the case, the body of the complaint is utterly devoid of any factual allegations against either defendant. . . There is nothing in plaintiff’s many subsequent filings that either mentions the defendants, or provides even a hint as to the factual allegations against them. (Docs. 21-23, 35, 40, 48-50, 62)

Although this case is subject to a *sua sponte* dismissal by statute for failure to state a claim as to either defendant, the Magistrate Judge will address the defendants’ dispositive motions as required in the District Judge’s order of referral.

(Docket Entry No. 68 at 2). After an exhaustive analysis, the Magistrate Judge ultimately recommended,

1) defendant Southern Health Partners (SHP) motion for summary judgment (Doc. 61) be **GRANTED**; 2) Sheriff Bledsoe’s motion for judgment on the pleadings (Doc. 63) be **GRANTED**; 3) this case be **DISMISSED** with prejudice for failure to state a claim under 42 U.S.C. § 1983; 4) dismissal of this action count as a “**STRIKE**” under 28 U.S.C. § 1915(g); 5) the order accepting and adopting this R & R constitute the **FINAL JUDGMENT** in this action; 6) any appeal **NOT** be certified as taken in good faith under 28 U.S.C. § 1915(a)(3); 7) any pending motions be **TERMINATED** as moot.

(*Id.* at 13). No objections to the R & R have been filed.

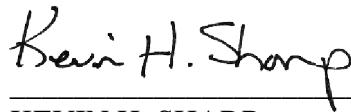
Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 68) is hereby ACCEPTED and APPROVED;
- (2) The *Motion for Summary Judgment by Defendant Southern Health Partners, Inc.* (Docket Entry No. 61) is hereby GRANTED;
- (3) Defendant Sheriff Jeff Bledsoe’s *Motion for Judgment on the Pleadings* (Docket Entry No. 63) is hereby GRANTED;
- (4) All other pending motions are hereby TERMINATED as moot;
- (5) This case is hereby DISMISSED WITH PREJUDICE; and
- (6) The Court hereby certifies that any appeal would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE